

Leroy Williams (“Williams”) was convicted in Elkhart Circuit Court of Class B felony robbery and sentenced to serve fifteen years. Williams appeals and argues that the evidence is insufficient to establish that he committed robbery and that his fifteen-year sentence is inappropriate in light of the nature of the offense and the character of the offender. We affirm.

Facts and Procedural History

On November 30, 2005, Williams robbed a Payless ShoeSource while armed with a handgun. Williams was charged with Class B felony robbery, and a jury trial commenced on October 16, 2006. At trial, the two store employees present during the robbery identified Williams as the perpetrator. Williams was convicted as charged and sentenced to serve fifteen years in the Indiana Department of Correction. Williams now appeals. Additional facts will be provided as necessary.

I. Sufficient Evidence

When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the verdict and the reasonable inferences therein to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

Williams argues that the evidence is insufficient to support his robbery conviction. To convict Williams of Class B felony robbery, the State was required to prove that he “knowingly or intentionally [took] property from another person or from the presence of

another person . . . by using or threatening the use of force on any person; or [] by putting any person in fear. . . while armed with a deadly weapon.” Ind. Code § 35-42-5-1 (2004).

The evidence presented at trial established that Williams, who was armed with a handgun, demanded that the store employees give him the money in the cash register. Both employees identified Williams as the perpetrator in a photo array during the police investigation, and they later positively identified him at trial. This evidence is sufficient to support Williams’s Class B felony robbery conviction.

II. Inappropriate Sentence

Williams argues that his fifteen-year sentence is inappropriate. Appellate courts have the constitutional authority to revise a sentence if, after consideration of the trial court’s decision, the court concludes the sentence is inappropriate in light of the nature of the offense and character of the offender. Ind. Appellate Rule 7(B) (2007); Marshall v. State, 832 N.E.2d 615, 624 (Ind. Ct. App. 2005), trans. denied. “[A] defendant must persuade the appellate court that his or her sentence has met the inappropriateness standard of review.” Anglemyer v. State, 868 N.E.2d 483, 494 (Ind. 2007).

Williams asserts that his sentence is inappropriate because the trial court rejected his proposed mitigating circumstances. It was well within the trial court’s discretion to do so. Id. at 493 (quoting Fugate v. State, 608 N.E.2d 1370, 1374 (Ind. 1993) (“If the trial court does not find the existence of a mitigating factor after it has been argued by counsel, the trial court is not obligated to explain why it has found that the factor does not exist.”)).

Concerning the nature of the offense, Williams robbed two store employees at gunpoint. Williams's character is reflected in his prior criminal history, which consists of six juvenile adjudications, eight misdemeanor convictions, and one felony conviction.¹ Sentencing Tr. p. 25. The trial court found that Williams's prior criminal history, which "indicates [that] he will not conform his conduct to requirements of law," warranted the imposition of an enhanced fifteen-year sentence. See Appellant's App. p. 9. Williams, who is twenty-seven years old, has demonstrated that he is unable to lead a law-abiding life. Accordingly, we conclude that Williams's fifteen-year sentence is not inappropriate in light of the nature of the offense and the character of the offender.

Conclusion

Williams's Class B felony robbery conviction is supported by sufficient evidence and his fifteen-year sentence is not inappropriate light of the nature of the offense and the character of the offender.

Affirmed.

NAJAM, J., and BRADFORD, J., concur.

¹ The record does not disclose the details of Williams's prior criminal history because his convictions were not specifically discussed at the sentencing hearing, and Williams failed to include a copy of the presentence investigation report in the record.